

Message Text

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PAGE 01 STATE 242351

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ORIGIN EB-07

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DRAFTED BY EB/IFD/OIA:TRBRODERICK
APPROVED BY EB/IFD/OIA:RJSMITH
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P 292223Z SEP 76
FM SECSTATE WASHDC
TO AMEMBASSY ADDIS ABABA PRIORITY

C O N F I D E N T I A L STATE 242351

E.O. 11652: GDS

TAGS: EINV

SUBJECT: ETHIOPIAN SPICE

REFS: (A) ADDIS ABABA 9877; (B) STATE 204638

STATEMENT PARA. 4 REF B THAT POSSIBLE SUIT BY CBE IN U.S.
COURTS QUOTE COULD BE PREJUDICED BY FAILURE OF EPMG TO
PAY COMPENSATION UNQUOTE WAS NOT INTENDED AS A PREDICTION
OF THE LIKELY OUTCOME OF ANY SUCH SUIT, NOR HAVE WE SINCE
FORMED ANY JUDGMENT AS TO THE MERITS OF SUCH AN ACTION.
INSTEAD, WE MERELY INTENDED TO CONVEY OUR UNDERSTANDING
THAT, SHOULD CBE ATTEMPT TO PRESS SUCH A SUIT, KALAMAZOO
APPARENTLY CONTEMPLATES ASSERTING A COUNTERCLAIM BASED
UPON THE UNCOMPENSATED TAKING (AND BELIEVES IT MAY BE
PROCEDURALLY POSSIBLE TO DO SO IN THE CONTEXT OF SUCH AN
ACTION), TREATING CBE AS AN AGENT OF THE EPMG. WHILE WE
CANNOT PREDICT THE LIKELIHOOD OF SUCCESS OF SUCH A COURSE
OF ACTION, IT REMAINS TRUE THAT WERE IT TO BE UNDERTAKEN
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BY KALAMAZOO, THE RANGE OF ISSUES BEING LITIGATED COULD

BE SIGNIFICANTLY BROADENED, AND IT IS AT LEAST THEORETICALLY POSSIBLE THAT ANY AMOUNTS OWED CBE BY KALAMAZOO COULD BE DIMINISHED OR OUTWEIGHED BY COUNTERVAILING DAMAGES PAYABLE TO KALAMAZOO FOR WHICH THE EPMG MIGHT BE FOUND LIABLE. ROBINSON

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